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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,286	11/12/2003	Robert J. Mills	14649	9293

7590 06/30/2005  
SHELDON & MAK  
9th Floor  
222 South Lake Avenue  
Pasadena, CA 91101

EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT PAPER NUMBER

3637

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,286	<b>Applicant(s)</b> MILLS ET AL.	
	<b>Examiner</b> Timothy M. Ayres	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/02/04</u> . | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

This is a first office action on the merits of application SN 10/712286.

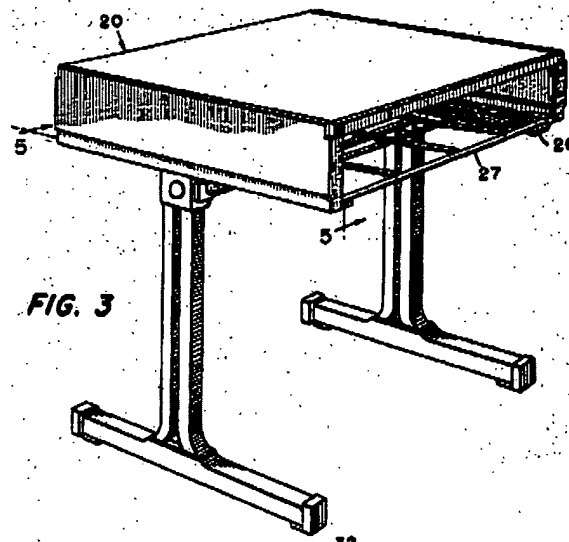
#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

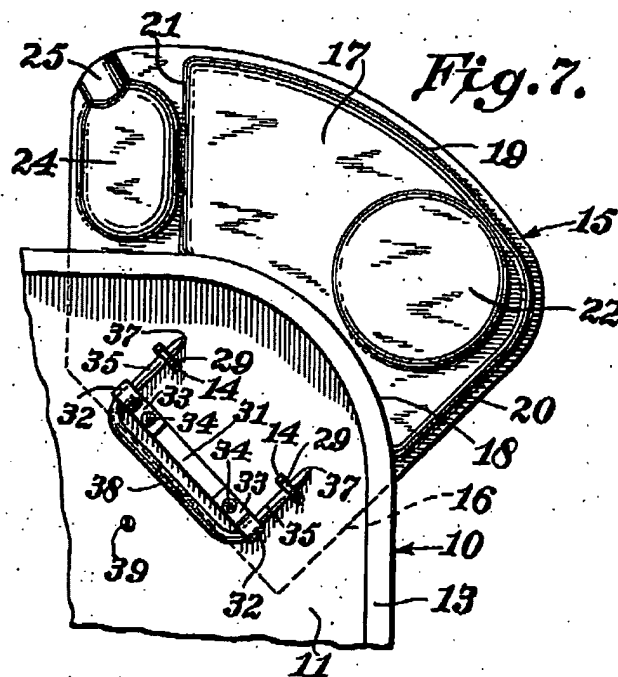
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,758,182 to Barecki in view of U.S. Patent 2,185,907 to Alexander. Barecki ('182) discloses in Fig. 3, a desk (20) with a top (21) and a support structure (24). The desk (20) is bottomless with support runners (26) that define the front opening. The runners (26) support a bottom rack (27), which is made of wire mesh and has many openings. Barecki ('182) does not disclose expressly a pencil case attached with a pencil case attachment plate to the bookrack. Alexander ('907) discloses a tray (15) that can be used to hold pencils. The tray (15) contains a lower compartment (22) and an upper compartment (24). The lower compartment (22) is below the plane of the table surface (10) and sticks out in front of the table (13) as seen in Fig. 4 and 7. The attachment plate (31,38) attaches to the bottom wall (16) of the tray (15) such that the table (13) is sandwiched between the attachment plate (31,38) and the tray (15), as best seen in Fig. 8 and 9. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take bookrack of Barecki ('182) and add the tray of

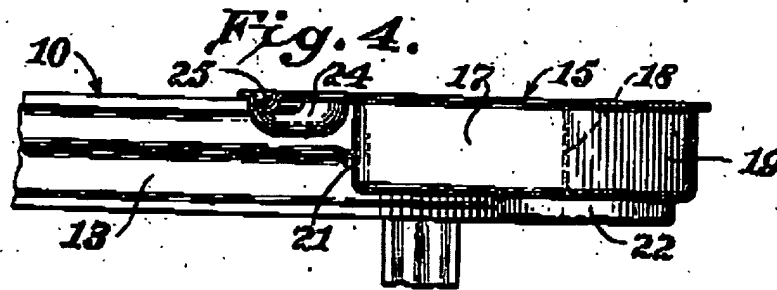
Alexander ('907) to provide a desk and bookrack that has a tray that can hold articles within easy reach.



Barecki ('182) Fig. 3



Alexander ('907) Fig. 7



Alexander ('907) Fig. 4

### Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 2,846,285 to Wright discloses a table with a bookrack and in one embodiment the bookrack has a pencil tray (46). U.S. Patent 3,161,161 to Reinke discloses a drop leaf school desk with a wire mesh bookrack attached to the legs. U.S. Patent 4,646,921 to Canter discloses a wire rack display case with trays that slip around the wire rack. U.S. Patent 1,979,773 to Ritch discloses a pencil holder that attaches to a table by being sandwiched around the table. U.S. Patent 2,729,529 to Nordmark discloses a desk with a bookrack made with an integral pencil holder. U.S. Patent 3,273,839 to Bennett discloses fastening device used to fasten pipe to a plate. U.S. Patent 2,707,141 to Witter discloses a tray that attaches to a table. U.S. Patent 1,678,375 to Berssenbrugge discloses a tray that attaches to a table using a plate (11) to sandwich itself around the table. U.S. Patent 6,283,042 to Wargo discloses a multi compartment tray that clamps on to a highchair. U.S. Patent 6,298,793 to Turner discloses a multi compartment tray that attaches to a high chair.

Art Unit: 3637

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-FRI 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA

*Tma* 6/27/05

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*Lanna Mai*